

MAY 11 2004

**Pepper Hamilton LLP**  
Attorneys at Law**OFFICIAL**

One Mellon Bank Center  
 500 Grant Street  
 Pittsburgh, PA 15219-2502  
 412-454-5023  
 Fax 412.281.0717  
 www.pepperlaw.com

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 Sender's Email Address: melnikj@pepperlaw.com

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ATTORNEY DOCKET NO.: ETS-0205

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 11 2004

In re Patent Application of

Driscoll, Gary F.

Serial No. 09/901,797

Filed: July 10, 2001

For: Systems and Methods for Computer-Based Testing Using  
Network-Based Synchronization of Information

Assignee: Educational Testing Service

OFFICIAL

**REVOCATION AND GRANT OF NEW POWER OF ATTORNEY  
AND CHANGE OF CORRESPONDENCE ADDRESS**

The undersigned Assignee of record in the above-referenced patent hereby revokes all previous powers of attorney in connection with this application and appoints the following attorneys, all of whom are associated with Customer Number 21269:

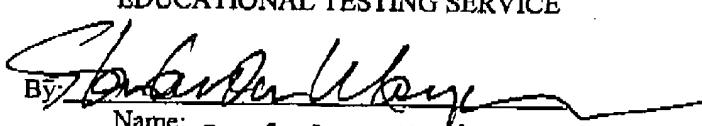
Raymond A. Miller	Reg. No. 42,891	Joseph Melnik	Reg. No. 48,741
James M. Singer	Reg. No. 45,111	John W. Ongman	Reg. No. 48,535
Kathleen Johnson	Reg. No.: 51,852	John Pillion	Reg. No. 52,122
Carissa Tener	Reg. No. 52,278	Joseph T. Helmsen	Reg. No. 54,163
Nicole Endejan	Reg. No. 50,229	Alka Patel	Reg. No. 49,092

of the firm of PEPPER HAMILTON LLP, and every attorney at law associated with that firm, to act on Assignee's behalf before all competent in connection with this application and any continuation therefrom. Please direct all future correspondence in connection with this application to attorney

W. Joseph Melnik  
Pepper Hamilton LLP  
One Mellon Center, 50<sup>th</sup> Floor  
500 Grant Street, Pittsburgh, PA 15219  
Phone: (412) 454-5812  
Fax: (412) 281-0717

Respectfully submitted,  
EDUCATIONAL TESTING SERVICE

Dated: May 5, 2004

  
Name: Stanford von Maychauser  
Title: Senior Vice President and General Counsel

DOCKET NO.: ETS-0200

**PATENT  
Joint Inventors****(Pending Application;  
Serial No. Known)****A S S I G N M E N T**

WHEREAS, we Gary F. Driscoll, Frank Strasz, Ken Berger, Steve Hendershott, Edwardine Adams, Ramchandra S. Vaidya, and Darshan M. Timbadia, hereinafter referred to as the assignors, residing respectively at 7 Kings Court, Pennington, NJ 08540; 197 Raymond Road, Princeton, NJ 08540; 3 North Shore Court, Skillman, NJ 08558; 1 Ashwood Court, Lawrenceville, NJ 08648; 59 Oak Grove Road, Ottsville, PA 18942; 1 Arnold Drive, Princeton Junction, NJ 08550-1522; and 397 Dutch Neck Road, East Windsor, NJ 08520 are the joint inventors of certain inventions or improvements for which we have made application for Letters Patent to the United States, identified as Serial No. 09/901,797, filed July 10, 2001, entitled **SYSTEMS AND METHODS FOR COMPUTER-BASED TESTING USING NETWORK-BASED SYNCHRONIZATION OF INFORMATION**; and

WHEREAS, Educational Testing Services, hereinafter referred to as the assignee, of Rosedale Road, ms 38D, Princeton, NJ 08541, a corporation of ??, is desirous of acquiring the entire right, title and interest in and to the said inventions or improvements and in and to the said application, and in, to and under any and all Letters Patent which may be granted on or as a result thereof in any and all countries:

NOW, THEREFORE, for and in consideration of the sum of One Dollar (\$1.00) to each of us in hand paid by said assignee, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said assignors, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over to said assignee, the entire right, title and interest in and to said inventions or improvements and said application and any and all continuations, divisions and renewals of and substitutes for said application, and in, to and under any and all Letters Patent which may be granted on or as a result thereof in the United States and any and all other countries, and any reissue or reissues or extension or extensions of said Letters Patent, and assign to and authorize said assignee, to file in our names applications for Letters Patent in all countries, the same to be held and enjoyed by said assignee, its successors, assigns, nominees or legal representatives, to the full end of the term or terms for which said Letters Patent respectively may be granted, reissued or extended, as fully and entirely as the same would have been held and enjoyed by us had this assignment, sale and transfer not been made.

AND we hereby covenant that we have full right to convey the entire interest herein assigned, and that we have not executed and will not execute any agreement in conflict herewith, and we further covenant and agree that we will each time request is made and without undue delay, execute and deliver all such papers as may be necessary or desirable to perfect the title to said inventions or improvements, said application and said Letters Patent to said assignee, its successors, assigns, nominees, or legal representatives,

DOCKET NO.: ETS-0200

PATENT  
Joint Inventors

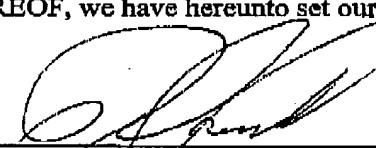
and each of us agrees to communicate to said assignee or to its nominee all known facts respecting said inventions or improvements, said application and said Letters Patent, to testify in any legal proceedings, to sign all lawful papers to execute all disclaimers and divisional, continuing, reissue and foreign applications, to make all rightful oaths, and generally to do everything possible to aid said assignee, its successors, assigns, nominees and legal representatives to obtain and enforce for its or their own benefit proper patent protection for said inventions or improvements in any and all countries.

AND we hereby authorize and request the Commissioner of Patents and Trademarks of the United States and any official of any country or countries foreign to the United States whose duty it is to issue patents on applications as aforesaid, to issue to said assignee, as assignee of the entire right, title and interest, any and all Letters Patent for said inventions or improvements, including any and all Letters Patent of the United States which may be issued and granted on or as a result of the application aforesaid, in accordance with the terms of this assignment.

AND this Assignment may be executed in multiple counterparts, each of which shall be deemed to be an original of this Assignment. Additionally, we hereby authorize our attorneys to collect the signature pages of each executed counterpart and to attach those signature pages to a single copy of this instrument, which single copy and attached signature pages together shall constitute an original of this Assignment.

IN WITNESS WHEREOF, we have hereunto set our hands and seals.

9/4/01  
Date

  
Gary F. Driscoll

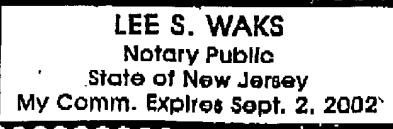
(L.S.)

STATE OF New Jersey :  
: SS  
COUNTY OF MERCER :

On this 4<sup>th</sup> day of SEPTEMBER, year of 2001, before me personally came the above named Gary F. Driscoll to me personally known and known to me to be the same individual who executed the foregoing assignment, and who acknowledged to me that execution of the same was of that person's own free will for the use and purposes therein set forth.

Lee S. Waks  
Notary Public

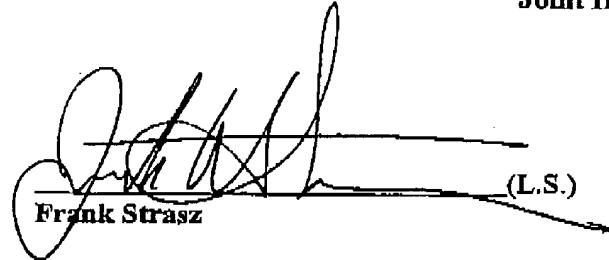
- 2 -



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PATENT  
Joint Inventors

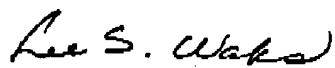
09/19/2001  
Date



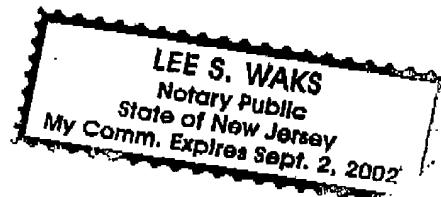
(L.S.)  
Frank Strasz

STATE OF New Jersey: SS  
COUNTY OF MERCER:

On this 19<sup>th</sup> day of SEPTEMBER, year of 2001, before me personally came the above named **Frank Strasz** to me personally known and known to me to be the same individual who executed the foregoing assignment, and who acknowledged to me that execution of the same was of that person's own free will for the use and purposes therein set forth.



\_\_\_\_\_  
Notary Public



DOCKET NO.: ETS-0200

PATENT  
Joint Inventors9/4/2001  
DateKen Berger

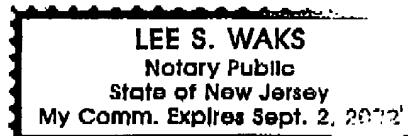
(L.S.)

STATE OF New Jersey : SS  
COUNTY OF MERCER :

On this 24<sup>th</sup> day of SEPTEMBER, year of 2001, before me personally came the above named Frank Strasz to me personally known and known to me to be the same individual who executed the foregoing assignment, and who acknowledged to me that execution of the same was of that person's own free will for the use and purposes therein set forth.

Ken BergerLee S. Waks

Notary Public



DOCKET NO.: ETS-0200

**PATENT**  
Joint Inventors

Date

9/4/2001

Steve Hendershott

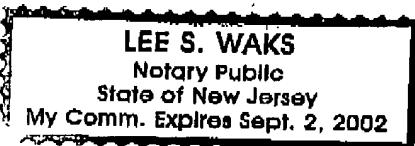
(L.S.)

STATE OF New Jersey :  
: SS  
COUNTY OF MERCER :

On this 4<sup>th</sup> day of SEPTEMBER, year of 2001, before me personally came the above named Steve Hendershott to me personally known and known to me to be the same individual who executed the foregoing assignment, and who acknowledged to me that execution of the same was of that person's own free will for the use and purposes therein set forth.

Lee S. Waks

Notary Public



- 5 -

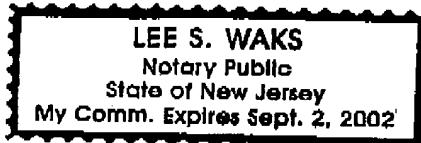
DOCKET NO.: ETS-0200

PATENT  
Joint Inventors9/4/01  
DateEdwardine Adams (L.S.)  
Edwardine AdamsSTATE OF New Jersey : SS  
COUNTY OF MERCER :

On this 4<sup>th</sup> day of SEPTEMBER, year of 2001 before me personally came the above named Edwardine Adams to me personally known and known to me to be the same individual who executed the foregoing assignment, and who acknowledged to me that execution of the same was of that person's own free will for the use and purposes therein set forth.

Lee S. Waks

Notary Public



DOCKET NO.: ETS-0200

PATENT  
Joint Inventors9/4/2001  
DateRamchandra S. Vaidya

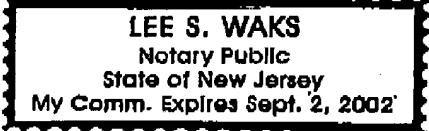
(L.S.)

STATE OF New Jersey : SS  
COUNTY OF MERCER :

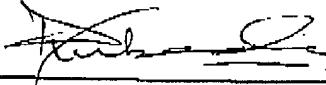
On this 4<sup>th</sup> day of SEPTEMBER, year of 2001 before me personally came the above named Ramchandra S. Vaidya to me personally known and known to me to be the same individual who executed the foregoing assignment, and who acknowledged to me that execution of the same was of that person's own free will for the use and purposes therein set forth.

Lee S. Waks

Notary Public



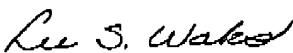
DOCKET NO.: ETS-0200

PATENT  
Joint Inventors9/4/2001  
Date  
Darshan M. Timbadia

(L.S.)

STATE OF New Jersey :  
COUNTY OF MERCER :

On this 4<sup>th</sup> day of SEPTEMBER, year of 2001, before me personally came the above named Darshan M. Timbadia to me personally known and known to me to be the same individual who executed the foregoing assignment, and who acknowledged to me that execution of the same was of that person's own free will for the use and purposes therein set forth.

\_\_\_\_\_  
Notary Public